

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

Case No. 17 CV 4799(JGK)

AITABDELLAH SALEM,

Plaintiff,

-Against-

Declaration of Welton K. Wisham  
In Support of Plaintiff's  
Opposition to Defendant's  
Motion To Dismiss Amended Complaint

CITY OF NEW YORK, JOSEPH PONTE, COMMISSIONER  
OF THE NEW YORK CITY DEPARTMENT OF CORRECTION,  
IN HIS INDIVIDUAL CAPACITY, JOHN DOE NO.1, WARDEN,  
NEW YORK CITY DEPARTMENT OF CORRECTION, IN HIS  
INDIVIDUAL CAPACITY, JOHN DOE NO. 2, ASSISTANT WARDEN,  
OF THE NEW YORK CITY DEPARTMENT OF CORRECTION,  
IN HIS INDIVIDUAL CAPACITY, JOHN DOE NO.3, TOUR COMMANDER  
NEW YORK CITY DEPARTMENT OF CORRECTION, AMKC, RIKERS ISLAND,  
IN HIS INDIVIDUAL CAPACITY, AND JOHN DOE NO. 4, CAPTAIN,  
NEW YORK CITY DEPARTMENT OF CORRECTION, AMKC,  
RIKERS ISLAND, IN HIS INDIVIDUAL CAPACITY.

Defendants,

I, **Welton K. Wisham**, an attorney duly licensed and admitted to practice law in the State of New York, declares pursuant to 28 U.S.C. Section 1746, under penalty of perjury that the following is true and correct:

1. That I am the attorney of record for the Plaintiff, Aitabdellah Salem.
2. As such I am familiar with the facts and circumstance set forth in Plaintiff's Second Amended Complaint.
3. This declaration is submitted in support of the Plaintiff's Memorandum of Law in opposition to the Defendants' motion to dismiss Plaintiff's Second Amended Complaint pursuant to Fed. R. Civ. P. 12(b) (6).
4. Annexed hereto as **Exhibit No. 1**, is a true copy of Plaintiff's Second Amended Complaint electronically filed to this Court on or about September 4, 2018.

5. Annexed hereto as **Exhibit “A”**, is a true copy of the Hon. Melissa Cranes court order on November 28, 2014, issued to the Commissioner of Correction of the City of New York, to release plaintiff Aitabdellah Salem from custody under docket number 2014NY088543.

6. Annex hereto as **Exhibit “B”** is a true copy of the January 15, 2015, “**ORDER TO PRODUCE**” Plaintiff Aitabdellah Salem to criminal court in civilian clothes on January 21, 2015, issued by the Hon. Felicia Mennin, criminal court justice.

7. Annexed hereto as **Exhibit “C”**, Annexed hereto is a true copy of the Department of Correction ‘s bail receipt of \$1.00 on April 15, 2015, releasing Plaintiff from custody.

8. That Plaintiff’s Memorandum of Law contains 8,352 words included in 25 pages. That on January 2, 2019, this office requested this Court’s permission to file Plaintiff’s Memorandum of Law in Opposition to Defendants Motion to Dismiss Plaintiff’s second amended complaint which exceeded the Court’s total word limitation. The request was submitted through electronic case filing on the Court’s website. As of this filing the Court has not replied to Plaintiff’s request. Plaintiff respectfully requests that in the event the Court denies Plaintiff request extending the amount of words in Plaintiff’s Memorandum of Law that Plaintiff be given an opportunity to refile in accordance with the Court’s directives.

Dated: January 4, 2019  
Bronx, New York

Respectfully submitted,  
By /s/\_\_\_\_\_  
Welton K. Wisham, Esq. (WW8674)  
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